

PCB EUS 14-01

ORIGINAL

2014

1 A bill to be entitled

2 An act relating to the Department of Agriculture and  
3 Consumer Services; amending s. 377.6015, F.S.;  
4 removing the power of the Department of Agricultural  
5 and Consumer Services to represent the state in the  
6 Southern States Energy Compact; amending s. 377.703,  
7 F.S.; requiring the department to include in its  
8 annual report recommendations for energy efficiency;  
9 expanding the promotion of the development and use of  
10 renewable energy resources from goals related to solar  
11 energy to renewable energy in general; requiring the  
12 department to cooperate with the Florida Energy  
13 Systems Consortium in the development and use of  
14 renewable energy resources; amending s. 377.712, F.S.;  
15 authorizing the Commissioner of Agriculture to appoint  
16 a member to the Southern States Energy Board;  
17 authorizing the department, in place of the Department  
18 of Health, to approve proposed activities relating to  
19 furtherance of the Southern States Energy Compact;  
20 amending s. 377.801, F.S.; conforming a cross-  
21 reference; amending s. 377.802, F.S.; amending the  
22 purpose of the Florida Energy and Climate Protection  
23 Act; amending s. 377.803, F.S.; conforming provisions  
24 to changes made by the act; creating s. 377.815, F.S.;  
25 authorizing the department to post on its website  
26 information relating to alternative fueling stations

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27 or electric vehicle charging stations; defining the  
 28 term "alternative fuel"; authorizing the owner or  
 29 operator of an alternative fueling station or an  
 30 electric vehicle charging station to report certain  
 31 information; amending s. 553.74, F.S.; adding a member  
 32 to the Florida Building Commission as a representative  
 33 of the Department of Agriculture and Consumer  
 34 Services; deleting obsolete provisions; repealing ss.  
 35 377.806 and 377.807, F.S., relating to the Solar  
 36 Energy System Incentives Program and the Energy-  
 37 Efficient Appliance Rebate Program, respectively;  
 38 providing an effective date.

39

40 Be It Enacted by the Legislature of the State of Florida:

41

42 Section 1. Paragraph (e) of subsection (2) of section  
 43 377.6015, Florida Statutes, is repealed.

44 Section 2. Paragraphs (f), (h), and (i) of subsection (2)  
 45 of section 377.703, Florida Statutes, are amended to read:

46 377.703 Additional functions of the Department of  
 47 Agriculture and Consumer Services.—

48 (2) DUTIES.—The department shall perform the following  
 49 functions, unless as otherwise provided, consistent with the  
 50 development of a state energy policy:

51 (f) The department shall submit an annual report to the  
 52 Governor and the Legislature reflecting its activities and

53 recommending ~~making recommendations of~~ policies for improvement  
 54 of the state's response to energy supply and demand and its  
 55 effect on the health, safety, and welfare of the residents of  
 56 this state ~~people of Florida~~. The report must ~~shall~~ include a  
 57 report from the Florida Public Service Commission on electricity  
 58 and natural gas and information on energy efficiency and  
 59 conservation programs conducted and underway in the past year  
 60 and ~~shall~~ include recommendations for energy efficiency and  
 61 conservation programs for the state, including, ~~but not limited~~  
 62 ~~to, the following factors:~~

63 1. Formulation of specific recommendations for improvement  
 64 in the efficiency of energy utilization in governmental,  
 65 residential, commercial, industrial, and transportation sectors.

66 2. Collection and dissemination of information relating to  
 67 energy efficiency and conservation.

68 3. Development and conduct of educational and training  
 69 programs relating to energy efficiency and conservation.

70 4. An analysis of the ways in which state agencies are  
 71 seeking to implement s. 377.601(2), the state energy policy, and  
 72 recommendations for better fulfilling this policy.

73 (h) The department shall promote the development and use  
 74 of renewable energy resources, in conformance with chapter 187  
 75 and s. 377.601, by:

76 1. Establishing goals and strategies for increasing the  
 77 use of renewable ~~solar~~ energy in this state.

78 2. Aiding and promoting the commercialization of renewable

79 energy resources ~~solar energy technology~~, in cooperation with  
 80 the Florida Energy Systems Consortium, the Florida Solar Energy  
 81 Center, Enterprise Florida, Inc., and any other federal, state,  
 82 or local governmental agency that ~~which~~ may seek to promote  
 83 research, development, and the demonstration of renewable ~~solar~~  
 84 energy equipment and technology.

85 3. Identifying barriers to greater use of renewable ~~solar~~  
 86 energy systems in this state, and developing specific  
 87 recommendations for overcoming identified barriers, with  
 88 findings and recommendations to be submitted annually in the  
 89 report to the Governor and Legislature required under paragraph  
 90 (f).

91 4. In cooperation with the Department of Environmental  
 92 Protection, the Department of Transportation, the Department of  
 93 Economic Opportunity, Enterprise Florida, Inc., the Florida  
 94 Energy Systems Consortium, the Florida Solar Energy Center, and  
 95 the Florida Solar Energy Industries Association, investigating  
 96 opportunities, pursuant to the National Energy Policy Act of  
 97 1992, the Housing and Community Development Act of 1992, and any  
 98 subsequent federal legislation, for renewable energy resources,  
 99 ~~solar~~ electric vehicles, and other renewable ~~solar~~ energy  
 100 manufacturing, distribution, installation, and financing efforts  
 101 that ~~which~~ will enhance this state's position as the leader in  
 102 renewable ~~solar~~ energy research, development, and use.

103 5. Undertaking other initiatives to advance the  
 104 development and use of renewable energy resources in this state.

105  
 106 In the exercise of its responsibilities under this paragraph,  
 107 the department shall seek the assistance of the renewable solar  
 108 energy industry in this state and other interested parties and  
 109 ~~may is authorized to~~ enter into contracts, retain professional  
 110 consulting services, and expend funds appropriated by the  
 111 Legislature for such purposes.

112 (i) The department shall promote energy efficiency and  
 113 conservation in all energy use sectors throughout the state and  
 114 ~~be shall constitute~~ the state agency primarily responsible for  
 115 this function. The Department of Management Services, in  
 116 consultation with the department, shall coordinate the energy  
 117 conservation programs of all state agencies and review and  
 118 comment on the energy conservation programs of all state  
 119 agencies.

120 Section 3. Section 377.712, Florida Statutes, is amended  
 121 to read:

122 377.712 Florida participation.—

123 (1) (a) The Governor shall appoint one member of the  
 124 Southern States Energy Board. The member or the Governor may  
 125 designate another person as the deputy or assistant to such  
 126 member.

127 (b) The President of the Senate shall appoint one member  
 128 of the Southern States Energy Board. The member or the president  
 129 may designate another person as the assistant or deputy to such  
 130 member.

131 (c) The Speaker of the House of Representatives shall  
 132 appoint one member of the Southern States Energy Board. The  
 133 member or the speaker may designate another person as the  
 134 assistant or deputy to such member.

135 (d) The Commissioner of Agriculture may serve as a member  
 136 of the Southern States Energy Board or may appoint a deputy or  
 137 assistant from the Department of Agriculture and Consumer  
 138 Services to serve.

139 (2) Any supplementary agreement entered into under s.  
 140 377.711(6) requiring the expenditure of funds may ~~shall~~ not  
 141 become effective as to Florida until the required funds are  
 142 appropriated by the Legislature.

143 (3) Departments, agencies, and officers of this state, and  
 144 its subdivisions are authorized to cooperate with the board in  
 145 the furtherance of ~~any of~~ its activities pursuant to the  
 146 compact, provided such proposed activities have been made known  
 147 to, and have the approval of, ~~either~~ the Governor or the  
 148 Department of Agriculture and Consumer Services ~~Department of~~  
 149 ~~Health.~~

150 Section 4. Section 377.801, Florida Statutes, is amended  
 151 to read:

152 377.801 Short title.—Sections 377.801-377.804 ~~377.801-~~  
 153 ~~377.807~~ may be cited as the "Florida Energy and Climate  
 154 Protection Act."

155 Section 5. Section 377.802, Florida Statutes, is amended  
 156 to read:

157 377.802 Purpose.—This act is intended to provide  
 158 incentives for Florida's citizens, businesses, school districts,  
 159 and local governments to take action to diversify the state's  
 160 energy supplies, reduce dependence on foreign oil, and mitigate  
 161 the effects of climate change by providing funding for  
 162 activities designed to achieve these goals. The grant programs  
 163 in this act are intended to stimulate capital investment in and  
 164 enhance the market for renewable energy technologies and  
 165 technologies intended to diversify Florida's energy supplies,  
 166 reduce dependence on foreign oil, and combat or limit climate  
 167 change impacts. ~~This act is also intended to provide incentives~~  
 168 ~~for the purchase of energy-efficient appliances and rebates for~~  
 169 ~~solar energy equipment installations for residential and~~  
 170 ~~commercial buildings.~~

171 Section 6. Section 377.803, Florida Statutes, is amended  
 172 to read:

173 377.803 Definitions.—As used in ss. 377.801-377.804  
 174 ~~377.801-377.807~~, the term:

175 (1) "Act" means the Florida Energy and Climate Protection  
 176 Act.

177 (2) "Department" means the Department of Agriculture and  
 178 Consumer Services.

179 (3) "Person" means an individual, partnership, joint  
 180 venture, private or public corporation, association, firm,  
 181 public service company, or any other public or private entity.

182 (4) "Renewable energy" means electrical, mechanical, or

183 thermal energy produced from a method that uses one or more of  
184 the following fuels or energy sources: hydrogen, biomass, as  
185 defined in s. 366.91, solar energy, geothermal energy, wind  
186 energy, ocean energy, waste heat, or hydroelectric power.

187 (5) "Renewable energy technology" means any technology  
188 that generates or utilizes a renewable energy resource.

189 ~~(6) "Solar energy system" means equipment that provides  
190 for the collection and use of incident solar energy for water  
191 heating, space heating or cooling, or other applications that  
192 would normally require a conventional source of energy such as  
193 petroleum products, natural gas, or electricity that performs  
194 primarily with solar energy. In other systems in which solar  
195 energy is used in a supplemental way, only those components that  
196 collect and transfer solar energy shall be included in this  
197 definition.~~

198 ~~(7) "Solar photovoltaic system" means a device that  
199 converts incident sunlight into electrical current.~~

200 ~~(8) "Solar thermal system" means a device that traps heat  
201 from incident sunlight in order to heat water.~~

202 Section 7. Section 377.815, Florida Statutes, is created  
203 to read:

204 377.815 Alternative fueling stations and electric vehicle  
205 charging stations.--The Department of Agriculture and Consumer  
206 Services may post information on its website relating to  
207 alternative fueling stations or electric vehicle charging  
208 stations that are available for public use in this state.

209       (1) As used in this section, the term "alternative fuel"  
 210 means nontraditional transportation fuel, such as pure methanol,  
 211 ethanol, and other alcohols; blends of 85 percent or more of  
 212 alcohol with gasoline; natural gas and liquid fuels domestically  
 213 produced from natural gas; liquefied petroleum gas; coal-derived  
 214 liquid fuels; hydrogen; electricity; pure biodiesel; fuels,  
 215 other than alcohol, derived from biological materials; and P-  
 216 series fuels.

217       (2) An owner or operator of an alternative fueling station  
 218 that is available in this state may report the following  
 219 information to the department:

- 220           (a) The type of alternative fuel available;
- 221           (b) The station's name, address, or location; or
- 222           (c) The fees or costs associated with the alternative fuel  
 223 that is available for purchase.

224       (3) The owner or operator of an electric vehicle charging  
 225 station that is available in this state may report the following  
 226 information to the department:

- 227           (a) The station's name, address, or location; or
- 228           (b) The fees or costs, if any, associated with the  
 229 electric vehicle charging services provided by the station.

230       Section 8. Subsection (1) of section 553.74, Florida  
 231 Statutes, is amended to read:

232       553.74 Florida Building Commission.—

233       (1) The Florida Building Commission is created and located  
 234 within the Department of Business and Professional Regulation

235 for administrative purposes. Members are appointed by the  
 236 Governor subject to confirmation by the Senate. The commission  
 237 is composed of 27 ~~26~~ members, consisting of the following:

238 (a) One architect registered to practice in this state and  
 239 actively engaged in the profession. The American Institute of  
 240 Architects, Florida Section, is encouraged to recommend a list  
 241 of candidates for consideration.

242 (b) One structural engineer registered to practice in this  
 243 state and actively engaged in the profession. The Florida  
 244 Engineering Society is encouraged to recommend a list of  
 245 candidates for consideration.

246 (c) One air-conditioning or mechanical contractor  
 247 certified to do business in this state and actively engaged in  
 248 the profession. The Florida Air Conditioning Contractors  
 249 Association, the Florida Refrigeration and Air Conditioning  
 250 Contractors Association, and the Mechanical Contractors  
 251 Association of Florida are encouraged to recommend a list of  
 252 candidates for consideration.

253 (d) One electrical contractor certified to do business in  
 254 this state and actively engaged in the profession. The Florida  
 255 Association of Electrical Contractors ~~Association~~ and the  
 256 National Electrical Contractors Association, Florida Chapter,  
 257 are encouraged to recommend a list of candidates for  
 258 consideration.

259 (e) One member from fire protection engineering or  
 260 technology who is actively engaged in the profession. The

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261 Florida Chapter of the Society of Fire Protection Engineers and  
262 the Florida Fire Marshals and Inspectors Association are  
263 encouraged to recommend a list of candidates for consideration.

264 (f) One general contractor certified to do business in  
265 this state and actively engaged in the profession. The  
266 Associated Builders and Contractors of Florida, the Florida  
267 Associated General Contractors Council, and the Union  
268 Contractors Association are encouraged to recommend a list of  
269 candidates for consideration.

270 (g) One plumbing contractor licensed to do business in  
271 this state and actively engaged in the profession. The Florida  
272 Association of Plumbing, Heating, and Cooling Contractors is  
273 encouraged to recommend a list of candidates for consideration.

274 (h) One roofing or sheet metal contractor certified to do  
275 business in this state and actively engaged in the profession.  
276 The Florida Roofing, Sheet Metal, and Air Conditioning  
277 Contractors Association and the Sheet Metal and Air Conditioning  
278 Contractors' ~~Contractors~~ National Association are encouraged to  
279 recommend a list of candidates for consideration.

280 (i) One residential contractor licensed to do business in  
281 this state and actively engaged in the profession. The Florida  
282 Home Builders Association is encouraged to recommend a list of  
283 candidates for consideration.

284 (j) Three members who are municipal or district codes  
285 enforcement officials, one of whom is also a fire official. The  
286 Building Officials Association of Florida and the Florida Fire

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287 Marshals and Inspectors Association are encouraged to recommend  
 288 a list of candidates for consideration.

289 (k) One member who represents the Department of Financial  
 290 Services.

291 (l) One member who is a county codes enforcement official.  
 292 The Building Officials Association of Florida is encouraged to  
 293 recommend a list of candidates for consideration.

294 (m) One member of a Florida-based organization of persons  
 295 with disabilities or a nationally chartered organization of  
 296 persons with disabilities with chapters in this state.

297 (n) One member of the manufactured buildings industry who  
 298 is licensed to do business in this state and is actively engaged  
 299 in the industry. The Florida Manufactured Housing Association is  
 300 encouraged to recommend a list of candidates for consideration.

301 (o) One mechanical or electrical engineer registered to  
 302 practice in this state and actively engaged in the profession.  
 303 The Florida Engineering Society is encouraged to recommend a  
 304 list of candidates for consideration.

305 (p) One member who is a representative of a municipality  
 306 or a charter county. The Florida League of Cities and the  
 307 Florida Association of Counties are encouraged to recommend a  
 308 list of candidates for consideration.

309 (q) One member of the building products manufacturing  
 310 industry who is authorized to do business in this state and is  
 311 actively engaged in the industry. The Florida Building Material  
 312 Association, the Florida Concrete and Product ~~Products~~

313 Association, and the Fenestration Manufacturers Association are  
 314 encouraged to recommend a list of candidates for consideration.

315 (r) One member who is a representative of the building  
 316 owners and managers industry who is actively engaged in  
 317 commercial building ownership or management. The Building Owners  
 318 and Managers Association is encouraged to recommend a list of  
 319 candidates for consideration.

320 (s) One member who is a representative of the insurance  
 321 industry. The Florida Insurance Council is encouraged to  
 322 recommend a list of candidates for consideration.

323 (t) One member who is a representative of public  
 324 education.

325 (u) One member who is a swimming pool contractor licensed  
 326 to do business in this state and actively engaged in the  
 327 profession. The Florida Swimming Pool Association and the United  
 328 Pool and Spa Association are encouraged to recommend a list of  
 329 candidates for consideration.

330 (v) One member who is a representative of the green  
 331 building industry and who is a third-party commission agent, a  
 332 Florida board member of the United States Green Building Council  
 333 or Green Building Initiative, a professional who is accredited  
 334 under the International Green Construction Code (IGCC), or a  
 335 professional who is accredited under Leadership in Energy and  
 336 Environmental Design (LEED).

337 (w) One member who is a representative of a natural gas  
 338 distribution system and who is actively engaged in the

339 distribution of natural gas in this state. The Florida Natural  
 340 Gas Association is encouraged to recommend a list of candidates  
 341 for consideration.

342 (x) One member who is a representative of the Department  
 343 of Agriculture and Consumer Services who is appointed from a  
 344 list of three nominees provided by the Commissioner of  
 345 Agriculture. If the Governor refuses to appoint a nominee from  
 346 this list, the Governor must inform the commissioner within 60  
 347 days of receipt of the list, and the commissioner must submit a  
 348 new list of three nominees.

349 (y) ~~(x)~~ One member who shall be the chair.

350  
 351 ~~Any person serving on the commission under paragraph (c) or~~  
 352 ~~paragraph (h) on October 1, 2003, and who has served less than~~  
 353 ~~two full terms is eligible for reappointment to the commission~~  
 354 ~~regardless of whether he or she meets the new qualification.~~

355 Section 9. Section 377.806, Florida Statutes, is repealed.

356 Section 10. Section 377.807, Florida Statutes, is  
 357 repealed.

358 Section 11. This act shall take effect July 1, 2014.